IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 19399 of 2007(H)

PETITIONER:

RADHAKRISHNAN, S/O APPUKUTTY NAIR,
MODAKKOTH HOUSE, ORAVIL P.O.,
BALUSSERY, KOZHIKODE DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. THE KOYILANDI CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD. NO.D.2020, BALUSSERY P.O., KOZHIKODE REPRESENTED BY ITS SECRETARY.

2. THE SPECIAL SALE OFFICER,
THE KOYILANDI CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD. NO.D.2020, BALUSSERY P.O., KOZHIKODE.

R1 BY ADV. SRI.B.V.JOY SANKER
R2 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 19399 OF 2007 H

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE SALE NOTICE ISSUED BY THE BANK TO THE PETITIONER DATED 23.3.2007.**

EXT.P2 **TRUE COPY OF THE REMITTANCE SLIP DATED 30.3.2007.**

EXT.P3 **TRUE COPY OF THE SALE NOTICE ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER DATED 23.5.2007.**

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 19399 OF 2007 H

Dated this the 13th September, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Petitioner challenges Ext.P3 sale notice and seeks a direction to permit the petitioner to pay the balance amount in instalments. Heard the learned standing counsel appearing for the first respondent Bank also. The Writ Petition is disposed of as follows:

Petitioner is permitted to pay off the amount remaining to be paid with due interest in six equal monthly instalments. First respondent Bank will serve a Statement on the petitioner showing the amount to be paid as instalments in terms of this Judgment within two weeks from today. The first instalment shall be payable on or before 10.10.2007 and the remaining instalments on or before the 10th of every succeeding month. If the petitioner does not remit any of the instalments, petitioner will lose the benefit of this Judgment and the sale in favour of the respondent Bank can be confirmed in accordance with law.

K. M. JOSEPH, JUDGE

kbk.